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order on the first part only after the disposition of which the yeas and nays could be requested on the second part.[42]

DIVISION VOTE

See "Division Vote," pp. 1404–1409.

DOCUMENTS

Reading of, decided without debate. *See also* "Reading of Documents, Decided Without Debate," p. 768.

A motion to refer to a committee a document which has not been presented to the Senate and not in its possession is not in order.[1]

During the presentation of petitions and memorials, a motion to print a matter as a document is not in order upon objection.[2]

The Senate may order the printing of a document not provided for by law when it does not exceed 50 pages.[3]

ELECTORAL VOTE

See also "Electoral Vote," pp. 1011–1015.

The procedure for the electoral college count is determined by the Constitution and law.[1]

The Vice President or President pro tempore, in such a joint session is the Presiding Officer with the Speaker of the House of Representatives occupying the Chair on his left.

Pursuant to law, the electoral count occurs in joint session of the two Houses on the sixth day of January succeeding every meeting of the electors. The procedure for such joint sessions is defined in title 3 of the Code, sections 15–18.

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[42] July 8, 1970, 91–2, *Record*, p. 23291.
[1] Mar. 3, 1927, 69–2, *Journal*, pp. 268–69, *Record*, pp. 5513–19, 5531.
[2] July 8, 1918, 65–2, *Record*, pp. 8840–41.
[3] Aug. 5, 1937, 75–1, *Record*, p. 8253.
[1] Jan. 6, 1969, 91–1, *Record*, pp. 197–98; 209–12, 223–24, 245–46.

At the conclusion of the count of the electoral vote for President and Vice President in 1885, the President pro tempore of the Senate, in making a declaration as to the result, announced it to be only a public statement—that he possessed no authority in law to declare any legal conclusion whatever.[2]

A concurrent resolution providing for the count of the electoral votes for President and Vice President in 1897 having been laid before the Senate, a question was raised that the words relating to the declaration of the election were unnecessary and not required by the Constitution.[3]

In 1901, a Senate concurrent resolution providing for the count of the electoral vote, following the form previously used, was amended in the House of Representatives to conform to the provisions of the Electoral Act of 1887, relative to the appointment of tellers, in which the Senate subsequently concurred.

In 1901, the form was changed so as to authorize the appointment of the tellers by the Presiding Officers of the two Houses, respectively.[4]

On January 6, 1969, at the joint session of Congress to count the electoral vote for the election of the President and Vice President of the United States, objection was heard to the votes from the State of North Carolina for George C. Wallace for President and Curtis E. LeMay for Vice President on the ground that they were not legally given.[5]

Under the law, upon objection to the counting of any electoral vote or votes from any State, the two Houses must disassemble and go back to their respective Houses to decide whether or not the votes should be counted; [6] and under title 3, section 15, "if the two Houses shall disagree in respect of the counting of such votes, then, and in that case, the votes of the electors whose appointment shall have been certified by the executive of the State, under the seal thereof, shall be counted. When the two Houses have voted, they shall immediately again meet, and the Presiding Officer shall then announce the decision of the questions submitted. No votes or papers from any other State shall be acted upon until the objections

[2] Feb. 11, 1885, 48-2, *Record*, p. 1532.
[3] Feb. 3, 1897, 54-2, *Journal*, p. 92, *Record*, p. 1480.
[4] Jan. 22, 1901, 56-2, *Journal* p. 97; Jan. 31, 1901, 56-2, *Record*, pp. 1736, 1765.
[5] Jan. 6, 1969, 91-1, *Record*, pp. 197-98, 209-12, 223-24, 245-46.
[6] *Ibid.*

previously made to the votes or papers from any State shall have been finally disposed of."

The debate in each House, on such an occasion when they return to their respective Houses for decision, shall not last for more than 2 hours with each Senator and Representative to speak to the question for 5 minutes and not more than once, which procedure was modified in 1969 by unanimous consent in the Senate.[7]

By the end of the 2 hours, the Presiding Officer of each House put the main question, without further debate.[8]

The two Houses then reassembled shortly thereafter and the electoral count was continued, with Mr. Nixon being elected President of the United States, and Mr. Agnew being elected Vice President of the United States.

EMPLOYMENT—OUTSIDE EMPLOYMENT OF SENATE OFFICERS AND EMPLOYEES

See also "Committee on Ethics," pp. 339–358.

All outside employment of officers and employees of the Senate is subject to the following provisions of Rules XXXVI, XXXVII, and XLI:

Rule XXXVI [1]

[Outside Earned Income]

For purposes of this rule, the provisions of section 501 of the Ethics in Government Act of 1978 (5 U.S.C. App. 7 501) shall be deemed to be a rule of the Senate as it pertains to Members, officers, and employees of the Senate.

Section 501 of the Ethics in Government Act of 1978 provides as follows:

SEC. 501. OUTSIDE EARNED INCOME LIMITATION.

(a) Outside Earned Income Limitation.—(1) Except as provided by paragraph (2), a Member or an officer or employee who is a noncareer officer or employee and whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the

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[7] *Ibid.*

[8] *Ibid.*

[1] This version of Rule XXXVI was added by S. Res. 198, adopted on Oct. 31, 1991, 102-1, *Record*, pp. S 15719-20. A previous version of this rule was repealed on Dec. 14, 1982, by S. Res. 512, 97-2, before becoming effective.